



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,447	03/21/2001	Reagan W. Moore	02737.0004.NPUS01	7652

27240 7590 06/25/2004

HOWREY SIMON ARNOLD & WHITE, LLP - OC  
301 RAVENSWOOD AVENUE  
BOX 34  
MENLO PARK, CA 94025

EXAMINER

VEILLARD, JACQUES

ART UNIT

PAPER NUMBER

2175

10

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/815,447

Applicant(s)

MOORE ET AL.

Examiner

Jacques Veillard

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) 42-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 and 55-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3, 6.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to the applicant's communication filed on 3/25/2004.
2. Claims 1-41, and 55-85 have been elected.
3. Claims 1-41, and 55-85 are pending and presented for examination.

#### ***Priority***

4. Applicant's claim for domestic priority under 35 U.S.C. 119(e) with respect to applications: 60/191,662 filed on 3/23/2000, 60/255,795 filed on 12/15/2000, 60/255,794 filed on 12/15/2000, and 60/273,464 filed on 3/5/2001 is acknowledged. ***Information Disclosure***

#### ***Statement***

5. The information disclosure statement (IDS) submitted on 5/21/2001 (Paper No.3) and 10/29/2002 (Paper No.6) was filed after the mailing date of the application on 3/21/2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Objections***

6. Claims 9 and 82 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claims 3-8, 10-15, 32-41, and 74-81 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 3, the claim recited in the preamble, "a method of ingesting one or more data objects into a persistent archive as claim in claim 1, comprising:." For the compact of prosecution, the claim as written should be in independent form as method claim.

As per claim 4, the claim is also rejected under 35 U.S.C. 112, second paragraph in virtue of dependency of claim 3.

As per claim 5, the claim recited in the preamble, "a method of instantiating a persistent archive as claimed in claim 1 comprising:" For the compact of prosecution, the claim as written should be in independent form as method claim.

As per claim 6, the claim is also rejected under 35 U.S.C. 112, second paragraph in virtue of dependency of claim 5.

As per claim 7, the claim recited in the preamble, "a method of presenting one or more data objects from a persistent archive as claimed in claim 1 comprising: For the compact of prosecution, the claim as written should be in independent form as method claim.

Art Unit: 2175

As per claim 8, the claim recited in the preamble, “a method of migrating a persistent archive as claimed in claim 1, the archive being maintained on a first medium, the method comprising: For the compact of prosecution, the claim as written should be in independent form as method claim.

As per claim 10, the claim recited in the preamble, “a system for maintaining a persistent archive as claim in claim 1, comprising:.” For the compact of prosecution, the claim as written should be in independent form as a system claim.

As per claims 11-15, and 79-81, the claims are also rejected under 35 U.S.C. 112, second paragraph in virtue of dependency of claim 10.

As per claim 32, the claim recited in the preamble, “a method of ingesting one or more data objects into a knowledge persistent archive as claim in claim 16, comprising:.” For the compact of prosecution, the claim as written should be in independent form as a method.

As per claim 33, the claim is also rejected under 35 U.S.C. 112, second paragraph in virtue of dependency of claim 32.

As per claim 34, the claim recited in the preamble, “a method of instantiating a knowledge-base persistent archive as claim in claim 16, comprising:.” For the compact of prosecution, the claim as written should be in independent form as a method.

As per claim 35, the claim is also rejected under 35 U.S.C. 112, second paragraph in virtue of dependency of claim 34.

Art Unit: 2175

As per claim 36, the claim recited in the preamble, “a method of validating a knowledge-base persistent archive as claim in claim 16, comprising.” For the compact of prosecution, the claim as written should be in independent form as a method.

As per claim 37, the claim recited in the preamble, “a method of transforming raw data records into a form capable of ingestion into a knowledge-based persistent archive as claimed in claim 16, which includes as the knowledge base a self-describing, infrastructure independent, or executable representation of a transformation procedure, comprising:.” For the compact of prosecution, the claim as written should be in independent form as a method.

As per claim 38, the claim recited in the preamble, “a method of transforming a self-describing, infrastructure independent representation of data objects into a form capable of instantiation onto a query-able mechanism, the data objects being from a knowledge-based persistent archive as claimed in claim 16 which includes as the knowledge base a self-describing, infrastructure independent, or executable representation of a transformation procedure, the method comprising:” For the compact of prosecution, the claim as written should be in independent form as a method.

As per claim 39, the claim recited in the preamble, “a method of transforming a self-describing, infrastructure independent representation of data objects into occurrences of attribute or element values, the data objects being from a knowledge-based persistent archive as claimed in claim 16 which includes as the knowledge base a self-describing, infrastructure independent,

Art Unit: 2175

or executable representation of a transformation procedure, the method comprising.” For the compact of prosecution, the claim as written should be in independent form as a method.

As per claims 40-41, the claims are also rejected under 35 U.S.C. 112, second paragraph in virtue of dependency of claim 39.

As per claim 74, the claim recited in the preamble, “a method of automatically placing one or more data objects from a persistent archive as claimed in claim 55 into a form suitable for instantiation onto a query-able mechanism comprising.” For the compact of prosecution, the claim as written should be in independent form as a method.

As per claim 75, the claim recited in the preamble, “a method of automatically validating a collection of data objects within a persistent archive as claimed in claim 55 comprising.” For the compact of prosecution, the claim as written should be in independent form as a method.

As per claim 76, the claims are also rejected under 35 U.S.C. 112, second paragraph in virtue of dependency of claim 75.

As per claim 77, the claim recited in the preamble, “a method of automatically presenting one or more data objects from a persistent archive as claimed in claim 55 comprising.” For the compact of prosecution, the claim as written should be in independent form as a method.

As per claim 78, the claim recited in the preamble, “a method of automatically placing a persistent archive as claimed in claim 55 into a form suitable for migration to a new medium

Art Unit: 2175

comprising.” For the compact of prosecution, the claim as written should be in independent form as a method.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 16-31, 55-73, and 83-85 are rejected under 35 U.S.C. 102(b) as being anticipated by Arcot Rajasekar et al. (Paper: Collection-Based Persistent Archives, publishing in 15-18 March 1999, Rajasekar).

As per claims 1 and 2, Rajasekar discloses an infrastructure persistent archive that is independent of both a logical structure for a collection of data objects and the data object itself as simply an (automatic or dynamic) manner of building data collection and an (automatic or dynamic) manner of creating the relational join needed to discover the data which nothing but an automatic or dynamic structure of persistent storage. In particular, the infrastructure collection-based persistent archive disclosed by Rajasekar comprising: a self-describing, infrastructure-independent representation of a logical structure for the collection; and a self-describing, infrastructure-independent representation of the data objects (See Page 176, right column last paragraph to Page 177, left column first paragraph).

As per claims 16 and 55, the claim has substantially the same limitation as claim 1. Except that the claim is directed to a knowledge-based which is inherent in Rajasekar because



Art Unit: 2175

when implementing the teachings of Rajasekar into computer codes that would provide an environment to forming a knowledge-based. Therefore, it is rejected on similar grounds corresponding for the argument given for the rejected claim 1 above.

As per claims 17-31, Rajasekar discloses a collection-based persistent archives includes the limitations features of those claims such as relationships between concepts relevant to the collection, logical relationships, semantic relationships, attributes of data objects, temporal relationships, temporal relationships, for transforming one or more data objects in the collection, spatial relationships, transforming a representation of the one or more data objects into a form ready for instantiation onto a query-able mechanism (See Page 176, left column starting at the introduction through page 179).

As per claims 56-73, Rajasekar discloses a collection-based persistent archives includes the limitations features of those claims such as collection of raw data, presentation, instantiation onto a query-able mechanism, occurrences of attribute or element values, a topic map, migration onto another medium, a query-able mechanism (See Page 177, left column starting at the information architecture through page 179, including Fig.1, and Page 180, right column second paragraph through Page 182, including Fig.3).

As per claims 83 and 84, Rajasekar discloses a collection-based persistent archives of data objects wherein first means for representing the logical structure of the collection; and second means for representing the data objects in the collection are primary features of a

Art Unit: 2175

persistent data collection that are stored within the archive since a persistent archive needs to have both the logical structure object data and the data itself in order to properly retrieve or call from the persistent storage (See the paper abstract, and Page 178 right column section 4).

As per claim 85, when implementing the teachings of Rajasekar into computer codes that would provide an environment enables the means for representing the data objects or the collection; for specifying one or more transformations relating to the collection; and for specifying one or more rules relating to the collection.

11. Claims 3-8, 10-15, 32-41, and 74-81 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Other Prior Art Made Of Record***

12. Madan et al.	U. S. Pat. No. 6,748,374,
Bach et al.	U. S. Pat. No. 5,924,101,
Brumme et al.	U. S. Pat. No. 6,134,559,
Gendron et al.	U. S. Pat. No. 6,484,247, and
Bapat	U. S. Pat. No. 5,295,256.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. **Any response to this action should be mail to:**

Art Unit: 2175

Commissioner of Patent and Trademarks

Washington, D.C. 20231

**Or faxed to:**

(703) 746-7239 (for formal communication intended for entry)

**Or:**


(703) 746-7240 (for informal of draft communications, please label

"PROPOSED" or "DRAFT")

Hand - delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA, Fourth Floor Lobby (Receptionist Telephone No. (703) 305-3900).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (703) 305-7094. The examiner can normally be reached Monday through Friday from 9:30 AM to 4: 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on (703) 305-3830. The fax phone number for this group is (703) 308-5403.

  
CHARLES RONES  
PRIMARY EXAMINER



---

Jacques Veillard  
Patent Examiner TC 2100

June 8, 2004